

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7604

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD L. FULTON, a/k/a Brandon B. Washington, a/k/a Kevin, a/k/a Kev,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. James P. Jones, District Judge. (5:01-cr-30075-JHM-1)

Submitted: April 27, 2020

Decided: April 30, 2020

Before WILKINSON and DIAZ, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Juval O. Scott, Federal Public Defender, Roanoke, Virginia, Brian J. Beck, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Abingdon, Virginia, for Appellant. Thomas T. Cullen, United States Attorney, S. Cagle Juhan, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Fulton appeals from the district court's order granting in part and denying in part Fulton's "motion to reduce sentence" based on the First Step Act, Pub. L. No. 155-391, § 404, 132 Stat. 5194 (2018). On appeal, Fulton asserts that the district court failed to provide an adequate explanation for rejecting his claim that his family circumstances merited a reduction in his sentence. This claim was raised for the first time in Fulton's reply to the Government's opposition to his motion. Because new arguments cannot be raised in a reply brief, the district court was not required to consider Fulton's argument, much less to provide an explicit analysis. *See United States v. Smalls*, 720 F.3d 193, 197 (4th Cir. 2013). As such, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED